

REMARKS

Claims 1-41 are pending in the application. Claims 1, 12, 23-25, 28, 31-33, and 37 are independent. By the foregoing Amendment, claims 1, 5, 12, 23-25, 28, 31-33, and 37 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claims

In the Office Action, the Examiner objected to claim 1 citing informalities. By the foregoing Amendment, Applicant has amended claim 1 to accommodate the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the objection to claim 1.

Rejection of Claim 5 Under 35 U.S.C. §112, Second Paragraph

In the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention, citing informalities. By the foregoing Amendment, Applicant has amended claim 5 to accommodate the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 5.

Rejection of Claims 1-9, 12-20, and 23-41 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 1-9, 12-20, and 23-41 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0195969 to Neuman (hereinafter "*Neuman*"). Applicant respectfully traverses the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Amended claim 1 recites in pertinent part “the data code sequence including pulses, the pulses having a predetermined width, ***the data code sequence including gaps positioned between the pulses***, the gaps having a predetermined width, a combination of data code sequence pulses and data code sequence gaps representing at least a start sequence” (emphasis added). Independent claims 12 and 31-32 include similar language. Support for these changes according to at least one embodiment can be found in Figure 2 and Applicant’s Specification at paragraphs [0019]-[0021]. Amended claim 1 also recites in pertinent part “the first network adapter having circuitry to decode the digital audio data stream back into the analog audio signal, and circuitry to transfer the analog audio signal to the first legacy device ***wirelessly***” (emphasis added). Independent claims 12, 23-25, 33 and 37 include similar language. Support for these changes according to at least one embodiment can be found in Figures 1 and 4 and Applicant’s Specification at paragraph [0042].

Applicant respectfully submits that *Neuman* fails to disclose “data code sequence including pulses, the pulses having a predetermined width, the data code sequence including gaps positioned between the pulses, the gaps having a predetermined width, a combination of data code sequence pulses and data code sequence gaps representing at least a start sequence” as recited in claims 1, 12, and 31-32. *Neuman* appears to disclose using pulse width modulation to receive, digitize, and packetize IR remote control signals using pulse width modulation (PWM).

Applicant also respectfully submits that *Neuman* fails to disclose “a second network adapter being wirelessly coupled to the second legacy device, the second network adapter to transfer the representation of the data code sequence from the transmission medium to the second legacy device” (emphasis added) as recited in independent claims 1, 12, 24-25 and/or “wirelessly transfer the representation of the data code sequence from the transmission medium to a second legacy device” (emphasis added) as recited in independent claims 28, 33, and 37. In *Neuman*, the program source (VCR/DVD) 107 is connected to the set top box 102 by either an analog link or digital link. There is no indication in *Neuman* that the connection between the source 107 and the set top box 102 is anything other than a typical wired connection. Although the Examiner argues with regard to claim 4 that the digital network 111 in *Neuman* is a wireless 802.11 digital network, Applicant respectfully submits that the digital network 111 in *Neuman* refers to the

connection between the two set top boxes 101 and 102. It does not refer to the connection between the source 107 and the set top box 102.

Applicant respectfully submits that because *Neuman* fails to disclose at least these elements of claims 1, 23, 25, 28, 31-33, and/or 37, *Neuman* fails to anticipate claims 1, 23, 25, 28, 31-33, and/or 37 and claims 1, 23, 25, 28, 31-33, and/or 37 are thus patentable over *Neuman*.

Claims 2-9 properly depend from claim 1. Accordingly, Applicants respectfully submit that claims 2-9 are patentable for at least the same reasons that claim 1 is patentable. Claims 12-16 and 24 have been canceled rendering the rejection to them moot. Claims 17-20 properly depend from claim 23. Accordingly, Applicants respectfully submit that claims 17-20 are patentable for at least the same reasons that claim 23 is patentable. Claims 26-27 properly depend from claim 25. Accordingly, Applicants respectfully submit that claims 26-27 are patentable for at least the same reasons that claim 25 is patentable. Claims 29-30 properly depend from claim 28. Accordingly, Applicants respectfully submit that claims 29-30 are patentable for at least the same reasons that claim 28 is patentable. Claims 34-36 properly depend from claim 33. Accordingly, Applicants respectfully submit that claims 34-36 are patentable for at least the same reasons that claim 33 is patentable. Claims 38-41 properly depend from claim 37. Accordingly, Applicants respectfully submit that claims 38-41 are patentable for at least the same reasons that claim 37 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1-9, 12-20, and 23-41.

Rejection of Claims 10-11 and 21-22 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 10-11 and 21-22 under 35 U.S.C. §103(a) as being obvious over *Neuman* in view of U.S. Patent No6,970,127 to Rakib (hereinafter "*Rakib*"). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, an Examiner must show that there is some expectation of success that the combination proffered would result in the claimed invention. The Examiner also must show that the cited references teach each and every element of the claimed

invention. (MPEP §2143.) citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int'l C. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). It can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed. (*Id.*)

Claims 10-11 and 21-22 properly depend from claim 1 and 23, respectively. Therefore, Applicants respectfully submit that claims 10-11 and 21-22 are patentable for at least the same reasons that claims 1 and 23, respectively, are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 10-11 and 21-22.

CONCLUSION

Applicant respectfully submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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